

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GREEN PARTY OF NEW YORK STATE, et al.,

Plaintiffs,

-against-

ORDER  
02-CV-6465 (JG)

NEW YORK STATE BOARD OF ELECTIONS,  
NEW YORK CITY BOARD OF ELECTIONS, et al.,

Defendants.

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JOHN GLEESON, United States District Judge:

Upon reviewing the Green Party's complaint and conducting a hearing on their claims this morning, it is ORDERED that the defendants show cause before this Court on January 16, 2003, at 9:30 a.m., why an order should not be issued:

(a) declaring and determining that New York's election law governing voter enrollment in political parties, N.Y. Elec. Law § 5-302.1, is in violation of the United States Constitution, specifically the First and Fourteenth Amendments, both facially and as applied to Plaintiffs;

(b) enjoining defendants from implementing and enforcing New York's election law governing voter enrollment in political parties, N.Y. Elec. Law § 5-302.1, and any relevant policy guidance or rules intended to implement and enforce this provision, and ordering defendants to continue to allow voters to enroll in parties that obtained 50,000 votes for a gubernatorial candidate in the 1998 general election but failed to do so in the 2002 general election, including the Green Party, and to continue to require local boards of elections to enter and maintain any and all information regarding voters' party enrollment in such parties, including the Green Party;

and,

(c) directing against the defendants such other further relief as the Court may deem just and proper, together with an award to the plaintiffs of their costs and disbursements associated with the filing and maintenance of this action, including an award of reasonable attorneys' fees pursuant to 42 U.S.C. § 1983.

Furthermore, sufficient cause having been shown, it is hereby:

ORDERED that pending this Court's hearing on plaintiff's motion for a preliminary injunction:

(a) defendants are temporarily restrained from implementing or enforcing N.Y. Elec. Law § 5-302.1, or any policy guidance or rules intended to implement or enforce this provision;

(b) defendants are ordered to continue to allow voters to enroll in parties that obtained 50,000 votes for a gubernatorial candidate in the 1998 general election but failed to do so in the 2002 general election, including the Green Party;

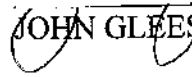
(c) defendants are ordered to continue to enter and maintain any and all information regarding voters' party enrollment in parties that obtained 50,000 votes for a gubernatorial candidate in the 1998 general election but failed to do so in the 2002 general election, including the Green Party; and

(d) defendant State Board of Elections shall serve a copy of this order by facsimile before December 13, 2002, on all the county Boards of Elections and shall ensure that they comply with this order.

And it is further ORDERED that:

- (a) service and filing of any opposition papers be made on or before January 3, 2003; and
- (b) service and filing of reply papers be made on or before January 9, 2003.

So Ordered.

  
JOHN GLEESON, U.S.D.J.

DATED: December 12, 2002  
Brooklyn, New York